

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>WALTER SCOTT,</b>	:	Civil No. 3:19-cv-1387
	:	
<b>Plaintiff</b>	:	<b>(Judge Munley)</b>
	:	
<b>v.</b>	:	
	:	
<b>CO SMOKE, CO MORGAN,</b>	:	
	:	
<b>Defendants</b>	:	

.....

**ORDER**

AND NOW, to wit, this 20<sup>th</sup> day of December 2019, upon consideration of Defendants' motion (Doc. 15) to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6), and in accordance with the Court's Memorandum of the same date, it is hereby ORDERED that:

1. Defendants' motion (Doc. 15) is DEEMED unopposed and GRANTED.
2. Plaintiff's complaint is DISMISSED in its entirety.
3. The dismissal is without prejudice to Plaintiff's right to refile the action upon completion of his administrative remedies.
4. The Clerk of Court is directed to CLOSE this case.
5. Any appeal from this Order is deemed frivolous and not in good faith. See 28 U.S.C. § 1915(a)(3).

**BY THE COURT:**

**s/James M. Munley  
JUDGE JAMES M. MUNLEY  
United States District Court**